

19.09.2023
ML. 146
Court No. 29
Suvayan
(Partly Allowed)

C.R.M. (A) 3753 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bharatpur** Police Station Case No. **242 of 2023** dated **09.07.2023** under Sections **341/323/325/308/34** of the IPC.

And

In the matter of: **Prannath Sarkar & Ors.**

....petitioners.

Mr. Manas Kr. Das
Mr. Aritra Kumar Thokdar

...for the petitioners.

Mr. Arijit Ganguly
Mr. Avik Ghatak

...for the State.

Mr. Hirak Roy

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. At the very outset, learned Counsel for the petitioners submit before this Court that he is not pressing the instant application for anticipatory bail in respect of the petitioner Nos. 2 to 7 since petitioner No. 4 (Gopal Sarkar) has already been arrested and he has got no instruction to move the instant application on behalf of the petitioner Nos. 2 (Dipak Biswas), 3 (Sumanta Sarkar), 5 (Sujoy Sarkar), 6 (Madhu Sarkar @ Madhusudan Sarkar) and 7 (Sribas Sarkar).
3. In view of such, prayer for anticipatory bail of petitioner Nos. 2 (Dipak Biswas), 3 (Sumanta Sarkar), 5 (Sujoy Sarkar), 6 (Madhu Sarkar @ Madhusudan Sarkar) and 7 (Sribas Sarkar) stands dismissed as not pressed.
4. It is submitted on behalf of the petitioner No. 1 that the alleged incident occurred out of previous grudge. In his usual fairness learned Counsel for the State submits that the injuries of the victim of the alleged incident is simple in nature.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner No. 1, Prannath Sarkar, nature of allegation, nature of injury as discussed (Supra) and substantial progress in investigation, it is directed that the petitioner No. 1, Prannath Sarkar shall be released on bail by the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. Within 21 days from today the petitioner No. 1, Prannath Sarkar shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
8. Accordingly, the prayer for the anticipatory bail is allowed-in-part.
9. The application being **CRM (A) 3753 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

